

REMARKS

Favorable reconsideration of this application is requested in view of the foregoing amendments and the following remarks. Claims 12, 14-27 and 31-33 are pending in the application. Claim 13 is cancelled without prejudice or disclaimer. Claims 31-33 are newly presented.

The abstract is amended to more accurately summarize the claimed invention. The claims are amended to more clearly define the invention, support for which is found in the figures and related parts of the specification. Specifically, support for a first data structure of personal identification numbers and a second data structure of historical system usage data is found on p. 11, lines 8-12 and 20-25, as well as Fig. 6, items 601 and 602. Support for a billing computer is found on p. 12, lines 21-26, as well as Fig. 7, item 703. Support for relays is found on p. 8, line 22, as well as Fig. 2, item 202. Support for the bus between the EEPROM and the microprocessor is found in FIG. 1, item 105.

Claims 12-27 were rejected under USC 101 as being directed to non-statutory subject matter. The Examiner stated that claim 12 is directed simply to a listing of parts, which provide no useful result or function. This rejection has no basis in fact. Each of the limitations of claim 12 referring to a part also discloses that part being coupled to another part, and thus the claim as a whole discloses a functioning apparatus. Nevertheless, to more clearly define the function of the apparatus, the preamble has been amended directing it to monitoring HVAC control functions.

Accordingly, withdrawal of this rejection is respectfully requested.

Claims 12-27 were rejected under 35 USC 112, first paragraph. The Examiner stated that the claimed invention is not supported by either a credible asserted utility or a well established utility for the same reasons as the 35 USC 101 rejection stated above. This rejection has no basis in fact for the same reasons stated above, since the apparatus of claim 12 clearly supports the utility of monitoring HVAC control functions.

Accordingly, withdrawal of this rejection is respectfully requested.

Claims 12-25 and 27 were rejected under 35 USC 102(e) as being anticipated by US 6,850,252 to Hoffberg.

This rejection for anticipation (lack of novelty) is improper because the Examiner is picking limitations from different embodiments of the reference.

With regard to all the claims, the Hoffberg reference does not disclose a single embodiment having a first data structure of PINs and a second data structure of historical system usage data, both coupled to the microprocessor, as recited in the independent claim. Even more importantly, the Hoffberg reference does not disclose a single embodiment having a billing computer coupled to the second data structure.

The Examiner refers to a microcontroller with a built-in EEPROM (column 122, line 19) described in the background section, a digital temperature sensor and a set of cursor buttons (column 188, line 59) described under Example 14 – Intelligent Telephone Device Interface, a real-time clock and back-up power supply (column 179, lines 29-31) described in Example 10 – Intelligent Adaptive VCR Interface. However, these features are disclosed by Hoffberg in different embodiments. Thus, the Hoffberg reference fails to anticipate the limitations of claim 12, since Hoffberg does not disclose a single embodiment having all of the limitations.

With regard to claim 27, Hoffberg does not disclose a single embodiment including heating ventilation and air conditioning equipment coupled to the microcontroller, wherein the microprocessor is coupled to a first data structure of PINs and a second data structure of historical system usage data.

With regard to the newly presented claim 31, Hoffberg fails to teach a central billing computer. With regard to newly presented claim 32, Hoffberg fails to teach a plurality of relays coupled to the microprocessor. With regard to newly presented claim 33, Hoffberg fails to teach a bus coupled to the first data structure and the microprocessor.

Accordingly, withdrawal of this rejection is respectfully requested.

Claim 26 was rejected under 35 USC 103 as being unpatentable over US 6,850,252 to Hoffberg in view of US 5,144,621 to Kinashi et al.

Kinashi et al. does not obviate the above discussed deficiencies of Hoffberg.

Accordingly, withdrawal of this rejection is respectfully requested.

In view of the above, all the claims are considered patentable and allowance of all the claims is respectfully requested. In the event that there are any remaining issues, the attending

Attorney's Docket No.
MMIC1100-2

Serial No. 10/817,497
Customer ID: 38396

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to of which would expedite the allowance of this application, the Examiner is invited to contact the undersigned for prompt action at the direct line telephone number appearing below.

The Director of the U.S. Patent and Trademark Office is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-3204 of John Bruckner PC.

Respectfully submitted,

John Bruckner PC

Attorney(s) for Applicant(s)

John J. Bruckner

Reg. No. 35,816

Dated: July 3, '06

5708 Back Bay Lane
Austin, TX 78739-1723
Tel. (512) 394-0118
Fax. (512) 394-0119

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In accordance with 37 CFR 1.136(a) pertaining to patent application processing fees, Applicant requests an extension of time from June 6, 2006 to July 6, 2006 in which to respond to the Office Action dated March 6, 2006. A notification of extension of time is filed herewith.

The Director of the U.S. Patent and Trademark Office is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-3204 of John Bruckner PC.

Respectfully submitted,

John Bruckner PC
Attorney(s) for Applicant(s)

John J. Bruckner
Reg. No. 35,816

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